

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 and 28-30 are pending, with claims 1, 4, 9 and 28 amended, claims 29-30 added, and claim 27 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 9 and 28 are independent.

In the Official Action, claim 1 was rejected under 35 U.S.C. § 112, second paragraph; claims 1-5 and 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brunson (U.S. Patent No. 5,647,002); and claims 6-20 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Brunson and Hashimoto et al. (U.S. Patent No. 5,632,002).

Claims 1, 9 and 28 are amended and claims 29-30 are added to more clearly describe and distinctly claim Applicant's invention. Claim 1 is amended in response to the rejection under 35 U.S.C. § 112, second paragraph. Claim 4 is amended to correct a typographical error. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

An apparatus for converting e-mail (electronic mail) data into audio data, comprising:

a communication connector connected to an email server via a communication line and comprising:

a controller configured to control a conversion of e-mail data received from the server into e-mail message header data, e-mail content data and e-mail attachment-type data, and

an audio data generator configured to convert the e-mail message header data, e-mail content data and e-mail attachment-type data into

audio data including corresponding audio header data, audio content data and audio attachment-type identifier data, the audio attachment-type identifier data being an announcement of the existence and type of an attachment to the email; and

a memory configured to store the e-mail data and the audio data,

wherein the communication connector is directly connected to the server and operates to transmit the audio data to a client upon the client's request.

Brunson describes a synchronizer 10 which synchronize the contents of a pair of mailboxes (21, 31), one of which resides in an e-mail system 29 and the other of which resides in a voice-mail system (39) in both message content and message state. However, Brunson does not disclose or suggest a communication connector directly connected to a server and operated to transmit audio data to a client upon a client's request. Brunson also does not disclose or suggest "transmitting is performed bypassing an intermediary between the e-mail server and the client," as recited in amended claim 9, or "transmitting is performed without going through an intermediary between an email server and a client," as recited in amended claim 28.

M.P.E.P. § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also M.P.E.P. § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Brunson does not disclose or suggest all of the features recited in claims 1, 9 and 28, Brunson does not anticipate the invention recited in claims 1, 9 and 28, and all claims depending therefrom.

Applicant has considered Hashimoto et al. and submits Hashimoto et al. does not cure the deficiencies of Brunson. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 9 and 28, Applicant submits the inventions defined by claims 1, 9 and 28, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 21, 2008

Respectfully submitted,

By Esther Chong
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

¹ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations."